

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY A. LOWE,

Plaintiff,

CASE NUMBER: 12-13615

HONORABLE VICTORIA A. ROBERTS

v.

STATE FARM INSURANCE CO.

Defendants,

_____ /

ORDER OF DISMISSAL

On August 15, 2012, Plaintiff filed a complaint claiming diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). The Court, however, is not satisfied that complete diversity exists under § 1332.

Section 1332 requires that Plaintiff be of different citizenship than each defendant. 28 U.S.C. § 1332(a)(1). Plaintiff alleges that complete diversity exists under § 1332(a)(1) because the defendant is a foreign company headquartered in Illinois, regularly conducting business in Michigan. Plaintiff does not say whether this company is a corporation or other legal entity. The Court issued a show cause order saying “If the company is a corporation, under § 1332(c), Plaintiff must plead where the corporation conducts its principal places of business and is incorporated. *Id.* § 1332(c)(1). The complaint does not list the corporation’s principal place of business or state of incorporation. If it is some other legal entity, such as a LLC, Plaintiff must list the citizenship of each member. *Delphi Automotive Systems LLC v. Segway Inc.*, 519

F.Supp.2d 662, 665 (E.D. Mich. 2007)."

Plaintiff was also asked to properly allege her citizenship. Plaintiff's Complaint says "Plaintiff, KIMBERLY A. LOWE was at all times relevant hereto a resident of the City of Detroit, County of Wayne, and State of Michigan." The Court's show cause order said: "This allegation is insufficient; she must specifically allege which state she is a citizen of, not her residency. See *Realty Holding Co. v. Donaldson*, 268 U.S. 398, 399-400, 45 S. Ct. 521, 69 L. Ed. 1014 (1925); see also *Wolfe v. Hartford Life & Annuity Ins. Co.*, 148 U.S. 389, 389, 13 S. Ct. 602, 37 L. Ed. 493 (1893); *Walker v. Iverson*, 509 Fed. Appx. 394 (6th Cir. 2012) ("It has been many times decided that an averment that one is a resident of a particular state is not equivalent to an averment that he is a citizen of that state.").

Plaintiff was ordered to respond, in writing, by April 10, 2014 to show cause as to why complete diversity exists under § 1332. The Court sent an e-mail to Plaintiff on Monday, April 14, 2014, alerting her that the Court was going to dismiss this case if she did not respond to the show cause request. It is now April 17, 2014, and Plaintiff has not responded.

The Complaint is **DISMISSED**. This Court does not have subject matter jurisdiction.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 17, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 17, 2014.

s/Linda Vertriest _____
Deputy Clerk